

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ERIC STEINMETZ,

Plaintiff(s),

v.

AMERICAN HONDA FINANCE, et al.,

Defendant(s).

Case No. 2:19-CV-64 JCM (VCF)

ORDER

Presently before the court is the matter of *Steinmetz v. American Honda Finance, et al.*, case number 2:19-cv-00064-JCM-VCF. On September 16, 2019, this court dismissed plaintiff Eric Steinmetz's claims with prejudice. (ECF No. 106). Plaintiff timely appealed. (ECF No. 109).

In its memorandum disposition, the Ninth Circuit remanded this case affirming in part and reversing and vacating in part this court's decision. (ECF No. 114). The panel upheld this court's dismissal with prejudice of plaintiff's "§ 1681(g) claim," and "state law claims brought under NRS sections 598 and 41.600." (*Id.*). However, the panel reversed this court's decision to dismiss:

- [plaintiff's] §§ 1681e(b) and 1681i claims against Experian regarding positive payment history before the Order of Discharge and bankruptcy inclusion dates;
- his § 1681s-2(b) claim against American Honda regarding positive payment history before the Order of Discharge;

...

...

- and the district court's conclusion that Steinmetz's § 1681e claim necessarily fails because he did not plead that the inaccuracies occurred in a "consumer report."

(*Id.*).

Accordingly, the court vacates its order and judgment, (ECF Nos. 106, 107), and grants in part and denies in part defendants Experian and American Honda's motions to dismiss, (ECF Nos. 50, 60), consistent with the Ninth Circuit's findings, (ECF No. 114). The court again denies Experian's first motion to dismiss as moot. (ECF No. 32). Plaintiff's joint motion to extend time for plaintiff to respond is also granted. (ECF No. 86).

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the court's order (ECF No. 106) be, and the same hereby is, VACATED.

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Experian's motion to dismiss (ECF No. 32) be, and the same hereby is, DENIED as moot.

IT IS FURTHER ORDERED that Steinmetz's motion to extend time (ECF No. 86) be, and the same hereby is, GRANTED.

IT IS FURTHER ORDERED that Experian's motion to dismiss (ECF No. 50) be, and the same hereby is, GRANTED in part and DENIED in part.

IT IS FURTHER ORDERED that American Honda's motion to dismiss (ECF No. 60) be, and the same hereby is, GRANTED in part and DENIED in part.

DATED February 5, 2021.


UNITED STATES DISTRICT JUDGE